

106TH CONGRESS
2D SESSION

H. R. 3705

To authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 2000

Mr. CLAY (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. KILDEE, Mrs. LOWEY, Mr. GEORGE MILLER of California, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. ANDREWS, Mr. SCOTT, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. FATTAH, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND, Mr. FORD, Mr. KUCINICH, and Mr. WU) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public School Repair
5 and Renovation Act of 2000”.

1 **SEC. 2. PUBLIC SCHOOL REPAIR AND RENOVATION.**

2 Title XII of the Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C. 8501 et seq.) is amended
4 to read as follows:

5 **“TITLE XII—PUBLIC SCHOOL**
6 **REPAIR AND RENOVATION**

7 **“SEC. 12001. FINDINGS.**

8 “The Congress finds as follows:

9 “(1) The General Accounting Office estimated
10 in 1995 that it would cost \$112,000,000,000 to
11 bring school facilities in the United States into good
12 overall condition.

13 “(2) The General Accounting Office also found,
14 in that year, that 60 percent of the schools in the
15 United States, serving 28,000,000 students, re-
16 ported that one or more building features, such as
17 roofs or plumbing, needed to be extensively repaired,
18 overhauled, or replaced.

19 “(3) The National Center for Education Statis-
20 tics reported that the average age for a school build-
21 ing in 1998 was 42 years and that local educational
22 agencies with relatively high rates of poverty tend to
23 have relatively old buildings.

24 “(4) School condition is positively correlated
25 with student achievement, according to a number of
26 research studies.

1 “(5) The results of a recent survey indicate
2 that the condition of schools with large proportions
3 of students living on Indian lands is particularly
4 poor.

5 “(6) While school repair and renovation are pri-
6 marily a State and local concern, some States and
7 communities are not, on their own, able to meet the
8 burden of providing adequate school facilities for all
9 students, and the poorest communities have had the
10 greatest difficulty meeting this need. It is, therefore,
11 appropriate for the Federal Government to provide
12 assistance to high-need communities for school re-
13 pair and renovation.

14 **“SEC. 12002. PURPOSE.**

15 “The purpose of this title is to assist high-need local
16 educational agencies in making urgent repairs and renova-
17 tions to public school facilities in order—

18 “(1) to reduce health and safety problems faced
19 by students; and

20 “(2) to improve the ability of students to learn
21 in their school environment.

22 **“SEC. 12003. AUTHORIZED ACTIVITIES.**

23 “(a) IN GENERAL.—A recipient of a grant or loan
24 under this title shall use the grant or loan to carry out
25 the purpose of this title by—

1 “(1) repairing or replacing roofs, electrical wir-
2 ing, or plumbing;

3 “(2) repairing, replacing, or installing heating,
4 ventilation, or air conditioning systems;

5 “(3) undertaking asbestos removal or abate-
6 ment;

7 “(4) bringing schools into compliance with fire
8 safety codes;

9 “(5) ensuring that repairs and renovations
10 under this title comply with the requirements of sec-
11 tion 504 of the Rehabilitation Act of 1973 (29
12 U.S.C. 793) and the Americans with Disabilities Act
13 of 1990 (42 U.S.C. 12101 et seq.) relating to the
14 accessibility of public school programs to individuals
15 with disabilities; and

16 “(6) making other types of school repairs and
17 renovations that the Secretary may reasonably deter-
18 mine are urgently needed, particularly projects to
19 correct facilities problems that endanger the health
20 and safety of students and staff.

21 “(b) LIMITATION.—The Secretary shall not approve
22 an application for a grant or loan under this title unless
23 the applicant demonstrates to the Secretary’s satisfaction
24 that it lacks sufficient funds, from other sources, to carry

1 out the repairs or renovations for which it is requesting
2 assistance.

3 **“SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
4 **WITH HIGH CONCENTRATIONS OF STUDENTS**
5 **LIVING ON INDIAN LANDS.**

6 “(a) ELIGIBILITY.—A local educational agency is eli-
7 gible for a grant under this section for a fiscal year if
8 the number of children determined under section
9 8003(a)(1)(C) for such agency and year constituted at
10 least 50 percent of the number of children who were in
11 average daily attendance in the schools of such agency,
12 and for whom such agency provided free public education,
13 during the preceding school year.

14 “(b) ALLOCATION OF FUNDS.—The Secretary shall
15 allocate funds available to carry out this section for a fis-
16 cal year to eligible local educational agencies based on
17 their respective numbers of children who were determined
18 under section 8003(a)(1)(C) for purposes of the computa-
19 tion under section 8003(a) for such year.

20 “(c) APPLICATIONS.—Each eligible local educational
21 agency that desires to receive a grant under this section
22 shall submit an application to the Secretary that
23 includes—

24 “(1) a statement of how it would use the grant
25 funds;

1 “(2) a description of the steps it will take to
2 adequately maintain the facilities that it repairs,
3 renovates, or constructs with those funds; and

4 “(3) such other information and assurances as
5 the Secretary may reasonably require.

6 “(d) CONSTRUCTION OF NEW SCHOOLS.—In addi-
7 tion to any other activity authorized under section 12003,
8 a grantee under this section may use grant funds to con-
9 struct a new school if it demonstrates to the Secretary’s
10 satisfaction that it would replace an existing school that
11 is in such poor condition that renovating it would not be
12 cost-effective.

13 **“SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDU-**
14 **CATIONAL AGENCIES.**

15 “(a) GRANTS AUTHORIZED.—From funds available
16 under section 12008(c), the Secretary shall make grants,
17 on a competitive basis, to local educational agencies. A
18 local educational agency is eligible to receive a grant under
19 this section only if at least 25 percent of the children
20 under the jurisdiction of the agency are from families with
21 incomes below the poverty line (as defined by the Office
22 of Management and Budget and revised annually in ac-
23 cordance with section 673(2) of the Community Services
24 Block Grant Act (42 U.S.C. 9902(2))).

1 “(b) CRITERIA FOR AWARDING GRANTS.—In making
2 grants under this section, the Secretary shall consider—

3 “(1) the percentage of children from low-income
4 families under the jurisdiction of each applicant, the
5 need for school repairs and renovations, and the fis-
6 cal capacity of each applicant; and

7 “(2) such other factors as the Secretary deter-
8 mines appropriate.

9 “(c) APPLICATIONS.—Each eligible local educational
10 agency that desires to receive a grant under this section
11 shall submit an application to the Secretary that
12 includes—

13 “(1) a description of its urgent need for school
14 repair and renovation and of how it would use funds
15 available under this title to meet those needs;

16 “(2) information on the fiscal effort that it is
17 making in support of education and evidence dem-
18 onstrating that it lacks the capacity to meet its ur-
19 gent school repair and renovation needs without as-
20 sistance available under this title;

21 “(3) a description of the steps it will take to
22 adequately maintain the facilities that it repairs or
23 renovates with that assistance; and

24 “(4) such other information and assurances as
25 the Secretary may reasonably require.

1 **“SEC. 12006. SCHOOL RENOVATION LOANS AND GRANTS.**

2 “(a) LOANS AND GRANTS AUTHORIZED.—From
3 funds available under section 12008(c)(2), the Secretary
4 shall pay the cost of loans and grants made, on a competi-
5 tive basis, to high-need local educational agencies that lack
6 the ability to fund urgent school repairs.

7 “(b) LOAN PERIOD.—Each loan under this section
8 shall be for a period of seven years and shall carry an
9 interest rate of zero percent.

10 “(c) CRITERIA FOR MAKING LOANS AND GRANTS.—
11 In making loans and grants under this section, the Sec-
12 retary shall consider—

13 “(1) the percentage of children from low-income
14 families under the jurisdiction of each applicant, the
15 need for school repairs and renovations, and the fis-
16 cal capacity of each applicant; and

17 “(2) such other factors as the Secretary deter-
18 mines appropriate.

19 “(d) APPLICATIONS.—Each eligible local educational
20 agency that desires to receive a loan or grant under this
21 section shall submit an application to the Secretary that
22 includes the information described in section 12005(c).

23 “(e) CREDIT STANDARDS.—In making loans under
24 this section, the Secretary—

25 “(1) shall not extend credit without finding that
26 there is reasonable assurance of repayment; and

1 “(2) may use credit enhancement techniques, as
2 appropriate, to reduce the credit risk of loans.

3 “(f) NUMBER OF LOANS AND GRANTS.—Subject to
4 section 12008(d), in carrying out this section, the Sec-
5 retary shall determine the number of loans and grants to
6 be made for a fiscal year and their relative proportions.

7 **“SEC. 12007. PROGRESS REPORTS.**

8 “The Secretary shall require recipients of grants and
9 loans under this title to submit progress reports and such
10 other information as the Secretary determines necessary
11 to ensure compliance with this title and to evaluate its im-
12 pact.

13 **“SEC. 12008. AUTHORIZATION OF APPROPRIATIONS; RES-**
14 **ERVATION OF FUNDS; LIMITATION ON LOAN**
15 **VOLUME.**

16 “(a) IN GENERAL.—for the purpose of carrying out
17 this title, there are authorized to be appropriated
18 \$1,300,000,000 for fiscal year 2001 and such sums as
19 may be necessary for each of the 4 succeeding fiscal years.

20 “(b) RESERVATION FOR GRANTS UNDER SECTION
21 12004.—Of the amount appropriated under subsection (a)
22 for any fiscal year, the Secretary shall reserve
23 \$50,000,000 for the purpose of making grants under sec-
24 tion 12004.

1 “(c) GRANTS UNDER SECTION 12005 AND LOANS
2 AND GRANTS UNDER SECTION 12006.—Of the amount
3 appropriated under subsection (a) for any fiscal year and
4 remaining after the application of subsection (b)—

5 “(1) 10 percent shall be available for making
6 grants under section 12005; and

7 “(2) 90 percent shall be available for making
8 loans and grants under section 12006.

9 “(d) LIMITATION ON LOAN VOLUME.—Within the
10 available resources and authority, gross obligations for the
11 principal amount of loans made by the Secretary under
12 section 12006 for fiscal year 2001 shall not exceed
13 \$7,000,000,000, or the amount specified in an applicable
14 appropriations Act, whichever is greater.

15 **“SEC. 12009. DEFINITIONS; SPECIAL RULE.**

16 “(a) DEFINITIONS.—For the purpose of this title, the
17 following terms have the following meanings:

18 “(1) INDIAN LANDS.—The term ‘Indian lands’
19 has the meaning given such term in section 8013.

20 “(2) LOCAL EDUCATIONAL AGENCY.—The term
21 ‘local educational agency’ has the meaning given
22 such term in subparagraphs (A) and (B) of section
23 14101(18).

24 “(3) PUBLIC SCHOOL FACILITY.—

1 “(A) IN GENERAL.— The term ‘public
2 school facility’ means a public building whose
3 primary purpose is the instruction of public ele-
4 mentary or secondary students and minimal ini-
5 tial equipment, machinery, and utilities nec-
6 essary or appropriate for school purposes.

7 “(B) EXCLUSION.—The term excludes ath-
8 letic stadiums or any other structure or facility
9 intended primarily for athletic exhibitions, con-
10 tests, games, or events for which admission is
11 charged to the general public.

12 “(4) REPAIR AND RENOVATION.—The term ‘re-
13 pair and renovation’ means the repair or renovation
14 of an existing public school facility without increas-
15 ing its size.

16 “(b) SPECIAL RULE.—In any of the 50 States of the
17 United States in which there is only one local educational
18 agency, the Secretary shall, for purposes of this title, con-
19 sider each administrative school district in the State to
20 be a separate local educational agency.”.

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